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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,441	12/12/2003	Magdalena Faisst	3201-364 (D4700-00378)	2031

7590 02/13/2006  
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EXAMINER

STERLING, AMY JO

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/735,441

Applicant(s)

FAISST ET AL.

Examiner

Amy J. Sterling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-16 is/are rejected.
- 7) ☒ Claim(s) 11 and 17, 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This is the second non-final Office Action for application number 10/735,441 Arrangement for Attaching a Hygienic Article, filed on 12/12/03. Claims 1-18 are pending. This is the second non-final Action is in response to applicant's reply dated 11/25/05. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Objections***

Claim 4 is objected to because of the following informalities:

Claim 1 has recited, "at least one bracket" and claim 4 recites, "said bracket".

A suggested change to the claim 4 language would be as follows:

"An arrangement according to claim 1, wherein the at least one bracket includes a plurality of at least partially identically shaped brackets."

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6-9, 14 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites, "the ends" and there is a lack of antecedent basis for this limitation. Although "the ends" has been recited by claim 1, these "ends" are referring to the wall mounting rod, not to the ends of the bracket as recited by claim 6.

Claim 8 recites, "the sections of the wall-mounting rod" and this lacks antecedent basis. The previous "sections" are discussed in conjunction with the attachment bracket (See Claim 6).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 10 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 6802089 to Cropelli.

The patent to Cropelli discloses an arrangement for attaching articles including a wall-mounting rod (20) that has a continuous, front surface groove guiding profile (40), extending over a full length of the wall mounting rod between ends and at least one bracket (21) wherein the arrangement leaves clear that part of the guiding profile used

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for guiding the slide and the bracket is attachable to the wall-mounting rod in the vicinity of its ends.

Claims 1, 3, 4, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 4271543 to Martin.

The patent to Martin discloses an arrangement for attaching articles including a wall-mounting rod (1) that has a continuous, hollow guiding profile, extending over a full length of the wall mounting rod between ends and a plurality of at least partially identical brackets (4, 19) wherein the arrangement leaves clear that part of the guiding profile used for guiding the slide and the bracket (4, 19) is attachable to the wall mounting rod by inserting the brackets into the rod and engaging the interior of the hollow bracket and wherein accessory items (20) are attachable to the bracket.

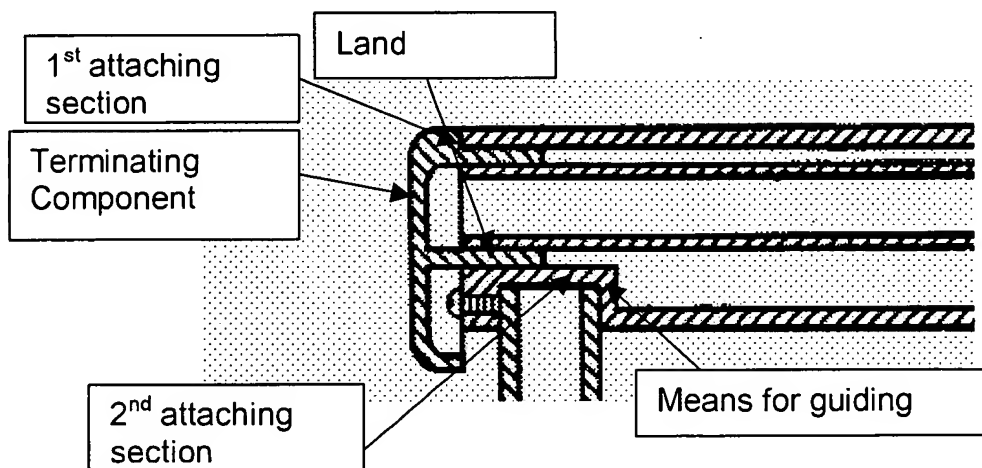
Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 6324988 to Svensson.

The patent to Svensson discloses an arrangement for attaching articles including a wall-mounting rod (5) that has a continuous, guiding profile, extending over a full length of the wall mounting rod between ends and at least one bracket (12) wherein the arrangement leaves clear that part of the guiding profile used for guiding the slide and wherein the at least one bracket is configured for attachment to two sections of the wall mounting rod that are to be coaxially arranged.

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Claims 1, 6-9, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5632049 to Chen.

Chen teaches an arrangement for attaching articles including a wall-mounting rod (40) that has a continuous, guiding profile, extending over a full length of the wall mounting rod between ends and at least one bracket (42) wherein the arrangement leaves clear that part of the guiding profile used for guiding the slide the at least one bracket has two attachment sections one each at least near each of the ends, one of which is configured for attaching a terminating collar component (See Drawing Below) by a form fit and a means for guiding (See Drawing Below) the wall mounted rod sections the sections which are separated by a land joint (See Below).



### ***Response to Arguments***

The applicant has argued that due to the preliminary amendment which was not considered in the Action dated 8/23/05, that the action should merit reconsideration and not be Final. This is persuasive and the applicant has been given a non-final action on

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the merits of the current claims which have incorporated the preliminary amendment rendering the consideration of such moot in any further action.


The remaining arguments are moot in view of the new grounds for rejection cited above.

***Allowable Subject Matter***

Claims 11, 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 571-272-6815. The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (Informal communications). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600

  
Amy J. Sterling  
2/3/06